

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

STATE OF TEXAS, *et al.*,

§

Plaintiffs,

§

v.

CIVIL ACTION NO. 2:24-CV-86-Z

UNITED STATES OF AMERICA, *et al.*,

§

Defendants.

§

JOINT MOTION TO STAY PROCEEDINGS PENDING APPEAL

The parties jointly and respectfully request a stay of all trial court deadlines and proceedings in this case until 30 days after the mandate returns to this court from the appeal of the order partially granting preliminary relief in this case.

This case challenging a rule implementing Title IX, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Financial Assistance*, 89 Fed. Reg. 33,474 (Apr. 29, 2024), was initiated on April 29, 2024. ECF No. 1. Plaintiffs filed an amended complaint on May 13, 2024, ECF No. 12, and a motion for preliminary relief the next day, ECF No. 16, which Defendants opposed, ECF Nos. 40, 41. The Court granted in part the motion for preliminary relief on July 11, 2024. ECF No. 48. Defendants filed a timely notice of appeal on September 6, 2024, ECF No. 61, which has been docketed in the United States Court of Appeals for the Fifth Circuit as No. 24-10832. At the request of the parties, the Court entered an order that the parties file a joint status report with a proposed briefing schedule for cross-motions for summary judgment 21 days after the September 20, 2024, production of the administrative record—so, October 11, 2024. ECF No. 60.

In light of that upcoming deadline to propose further proceedings and the appeal, the parties have conferred about potential next steps in this case and respectfully request that the Court stay further district court proceedings until Defendants' appeal is finally resolved.

Good cause exists for a stay. "A district court has inherent power 'to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.'" *United States v. Colomb*, 419 F.3d 292, 299 (5th Cir. 2005) (quoting *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936)). This includes "broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). "How this can best be done calls for the exercise of judgment, which must weigh competing interests and maintain an even balance." *Landis*, 299 U.S. at 254–55. "The party seeking a stay has the burden of justifying a delay tagged to another legal proceeding and make out a 'clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to some one else.'" *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983) (quoting *Landis*, 299 U.S. at 255). A stay must be "so framed in its inception that its force will be spent within reasonable limits, so far at least as they are susceptible of prevision and description." *Id.* (quoting *Landis*, 299 U.S. at 257).

As a general matter, the Fifth Circuit's resolution of Defendants' appeal¹ may have a "substantial effect" on Plaintiffs' claims here, which is a "good" reason, "if not an excellent one," for staying further district court proceedings in the interim. *Miccosukee Tribe of Indians of Fla. v. S. Fla. Water Mgmt. Dist.*, 559 F.3d 1191, 1198 (11th Cir. 2009). Pressing on with such proceedings would therefore be an inefficient, and perhaps largely wasteful, use of the parties'—and, more importantly, the Court's—time and resources. See *Coker v. Select Energy Servs.*, 161 F. Supp. 3d 492, 495 (S.D. Tex. 2015) (concluding that a stay of district court proceedings was warranted in

¹ The parties are also asking the Fifth Circuit to hold the appeal in abeyance pending issuance of the mandate in an earlier appeal taken in a similar challenge to the rule at issue in this case, *Louisiana v. U.S. Department of Education*, No. 24-30399 (5th Cir.).

part because it would help “avoid expending unnecessary judicial resources”); *Accident Ins. Co. v. Classic Bldg. Design, LLC*, No. 2:11-cv-33, 2012 WL 4898542, at *2 (S.D. Miss. Oct. 15, 2012) (“[C]onsiderations of judicial economy counsel, as a general matter, against investment of court resources in proceedings that may prove to have been unnecessary.” (citation omitted)). Moreover, a stay of district court proceedings would not prejudice either Plaintiffs or Defendants. Indeed, both parties jointly move for such relief, and a stay would merely preserve the status quo until the Fifth Circuit weighs in on the potentially dispositive questions of law that may be raised in Defendants’ appeal.

Accordingly, for the foregoing reasons, the parties respectfully request that the Court stay further district court proceedings in this case until thirty days after the mandate from the current appeal is returned to this Court from the Fifth Circuit. The parties additionally request that the Court order the parties to file a joint proposed schedule for any further proceedings at that time. A proposed order is attached.

Dated: October 2, 2024.

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on October 2, 2024, which automatically serves all counsel of record who are registered to receive notices in this case.

/s/Ryan D. Walters
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